

REMARKS

Claims 1 to 40 remains pending in the application and are subject to discussion. Claims 1, 15 and 22 are amended in view of the claim objections and rejections. Claims 14 and 17 are amended to correct clerical errors.

Specification

Replacement paragraph [0038] with markups is herein provided to correct the spelling error therein.

Claim objection to Claim 14

The Applicant submits that the recited objection should be directed to Claim 15 vs. Claim 14. Claim 15 is amended accordingly.

Claim rejection under 35 U.S.C. § 102***In view of Goldman et al.***

Claims 1 to 6, 18, 22, 34 and 40 are rejected under 35 U.S.C. 102(b) for anticipation by Goldman (US Patent 4,157,829).

In view of the amendments made to claims 1 and 22, the Applicant believes that such claims are novel and non-obvious in view of the cited prior art. Reconsideration of the claim rejection is therefore respectfully requested. To this effect, the Applicant submits the following:

Particularly in regards to Point 5, according to the opinion expressed in the Office action, Goldman teaches the specific steps of *associating current draw result and game card with said request and providing both the draw result and card upon request*. In the Office action, it is further expressed that Goldman teaches *comparing draw result and game card to determine and of game criteria*. The Applicant respectfully disagrees.

Goldman teaches an instant lottery game method and system in which a player pays a wager of a proper amount, selects numbers, and in response to these actions the vending machine generates random indicia which are compared to the player's selected numbers. Based on the comparison outcome, the player is paid a prize amount or issued a ticket (abstract). Throughout Goldman's document, the notions of a *participation game played until determination of a winner* (preamble of the claim) and *end-of game criteria* (within the step of preventing comparison) that are in the claim 1, and further the step of *preventing use of the current draw* are not taught by Goldman. To highlight these notions and their implications, the Applicant has amended the claims adding the step performed upon a negative end-of-game criteria evaluation, which is *maintaining the current draw for a further play request*. With this step positively defining what is performed in the alternative condition, claim 1 is therefore not taught by Goldman.

Claim 22 has also been amended in the same manner as claim 1. Claim 22 now positively sets that the end-of-game evaluation means is prevented from signaling a game state change upon non-fulfillment of the end-of-game criterion. Accordingly, claim 22 is therefore not taught by Goldman.

In regards to Point 6, the Applicant wishes to clarify the notion of "end of game" criteria. That notion, throughout the specification, refers to the ending of a game, wherein plays of a same game do not share simple administrative parameters (e.g., the time period during which they are played, the number under which they are played, etc.), but rather game parameters used to define the game itself such as a winner (as expressed in claim 1's preamble: *a participation game played until determination of a winner* and claim 22's preamble: *the play of a participation game ending with the*

determination of a winner), the same winning criteria, etc. Therefore, the Applicant believes that, according to the Office action, the end of game criteria in Goldman refer only to winning criteria (5 matches out of 5 as described in column 1). Fulfillment of what is understood by the Office action as an "end of game criteria" would result in a player being awarded a prize, but would not result in the end of the game. According to the Office Action, non-fulfillment of an "end of game criterion" would result in a single difference in the game: the player being not awarded a prize. Accordingly, regardless of the fulfillment of such a criterion, the same game would continue to be conducted using a new set of player's selected numbers and a new set of random indicia generated upon play. One skilled in the art would believe that plays of Goldman's game are either a) all different games, or b) the same game before and after the win of a prize.

Accordingly, the Applicant believes that rejections under 35 U.S.C. 102(b) of claims 1 and 22 are overcome in view of the above arguments and therefore respectfully requests their withdrawal. The Applicant further requests withdrawal of rejections under 35 U.S.C. 102(b) of claims 2 to 5, 18 and 34 to 40 as being moot in view of arguments provided above in relation of claims 1 and 22.

In view of Itkis

Claims 1 to 5, 7, 8 to 20, 22 to 29, 29 to 32 and 35 to 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Itkis.

In view of the amendments made to claims 1 and 22, the Applicant believes that such claims are novel and non-obvious in view of the cited prior art. Reconsideration of the claim rejection is therefore respectfully requested. To this effect, the Applicant submits the following:

In regards to Point 11 referring to rejections of claims 1, 7 and 22, the Office action states that Itkis teaches the specific steps of *providing/generating game card and draw request in response to requested game and preventing comparison upon a positive end of game criterion*. The Applicant would like to point out that the step of *receiving a request for a play of said game* as taught by Itkis concerns i) buying a bulky stack of paper bingo cards or the equivalent, and ii) registering the bought cards in a bingo terminal. The step of *associating a current draw result with said request* in the Itkis invention consists in performing a draw that is used to resolve all cards associated with the same game of bingo in the bingo session covers by the stack of bingo cards. It needs further to be pointed out that the step of *providing said game and said draw response to said request* is not taught by Itkis. Itkis rather teaches providing them in two distinct steps: i) providing the card prior to the beginning of the bingo game and ii) providing the draw to perform the game. It also has to be pointed out that the step of *preventing comparison of said current draw result with a new game card upon fulfillment of a positive end-of-game criterion* is not taught either. Furthermore, Itkis teaches to end the game and therefore ends the use of the current draw to play the bingo game when any card bought for that particular game presents a BINGO outcome with the numbers currently drawn. What Itkis further teaches is to sell cards before the bingo game begins. From the teaching of Itkis, one skilled in the art would understand that the beginning of the game is the criterion used to determine when to end the sale of bingo cards, not the *positive evaluation/fulfillment of an end-of-game criterion* (claim 1 and claim 22). In view of all of these arguments, it becomes clear to one skilled in the art that what one is taught by Itkis is different in many aspects from the what is claimed in claim 1 and 22.

It is the Applicant's opinion that the amendment to clarify the game process when no fulfillment of the end-of-game criterion is achieved clearly distinguishes the claimed invention from Itkis. The amendment of claim 1 states *maintaining the current draw for a further play request*. Itkis teaches maintaining the current draw until a BINGO is detected. If no Bingo is detected, the process associated with the current draw continues: a new number is drawn the same bingo cards already bought and in play. It is the Applicant's opinion that Itkis teaching is incompatible with *maintaining the current draw for a further play request*.

In regards to claim 22, the Applicant has performed clarification amendments that highlight the differences between Itkis and the claimed invention. With the amendment of *transmitting to the requesting player at the same time said game card and said draw result*, the Applicant clearly sets the limitation to games wherein the outcome resolution can be instantly performed. In comparison, Itkis teaches game process in evolution. The drawn numbers are provided in sequence, and the bingo outcome cannot be resolved until a Bingo is detected, thus until the draw process is complete. Since the player has the card before the draw of the first bingo number, the bingo card and the draw are not provided *at the same time*. Claim 22's amendment regarding *the end-of-game evaluation means not signaling a game state change when end-of-game criterion is not fulfilled* is provided for coherence purpose. It is desired to signal a game state change only upon positive fulfillment. This amendment recites positively that limitation.

Accordingly, the Applicant believes that rejections under 35 U.S.C. 102(e) of claims 1 and 22 are overcome in view of the above arguments and therefore respectfully requests the withdrawal these rejections. The Applicant further requests withdrawal of

rejections under 35 U.S.C. 102(e) of claims 2 to 5, 7, 8 to 20, 23 to 27, 29, to 32 and 35 to 39 as being moot in view of arguments provided above in relation of claims 1 and 22.

Claim rejection under 35 U.S.C. § 103

In regards to claims rejections under 35 UCS 103(a) further in view of Kentucky State Gaming Regulations as provided in Points 20 to 24, the Applicant submits that the above arguments in response of claim rejections of claims 1 and 22 under 35 UCS 102(a) and 102(e) are believed to render moot the rejections of claims 28 and 33. The Applicant therefore requests the withdrawal of these claim rejections.

It is therefore submitted that the whole set of claims herein provided is in condition for allowance. Reconsideration of the Office action's rejections is respectfully requested. Allowance of claims 1 to 40 at an early date is solicited.

In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

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